

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

APFA, INC.,

Plaintiff,

v.

UATP MANAGEMENT, LLC,

Defendant.

HONORABLE MICHAEL A. SHIPP  
Civil Action No. 3:20-CV-05007

(Document Electronically Filed)

**DEFENDANT UATP MANAGEMENT, LLC'S  
NOTICE OF SUPPLEMENTAL AUTHORITY**

UATP Management, LLC ("UATP") submits this Notice of Supplemental Authority in further support of its (i) Motion to Dismiss or, in the Alternative, to Stay this Action Pending Arbitration (Doc. 11) ("Motion to Dismiss"), and (ii) Brief in Opposition to Plaintiff's Motion for Injunctive Relief (Doc. 12) ("Injunction Opposition").

Both the Motion to Dismiss and the Injunction Opposition assert that, if this matter is not dismissed for lack of subject matter jurisdiction or forum non conveniens, the arbitration clause in the Membership Amendment to the Urban Air franchise agreement should be enforced. In *Conway Urban Air, LLC v. UATP Management, LLC, et al.*, District Court of Tarrant County, Texas, Case No. 017-316957-20 (the "Conway Matter"), a franchisee who executed the Membership Amendment filed suit raising the same claims raised in this matter. (See Doc. 12-5, at PageID 1082 at ¶ 102; Doc. 11-1, at PageID 494-495). In opposing UATP's motion to compel arbitration of those claims in the Conway Matter, the franchisee in the Conway Matter raised, as putative defenses to the arbitration agreement's enforcement, the same arguments the APFA raises in this matter. A copy of the Conway Opposition Brief is attached to this Notice as **Exhibit A**. On July 22, 2020, the District Court of Tarrant County, Texas, issued an order granting UATP's motion to

compel arbitration based on the Membership Amendment. A copy of the Court's July 22, 2020 Order is attached to this Notice as **Exhibit B**.

Dated: July 23, 2020

Respectfully submitted,

/s/ David S. Sager

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ David S. Sager

David S. Sager